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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: WEINSTOCK et al.
Serial No.: 09/252,691
Filed: 18 February 1999
For: NUCLEIC ACID AND AMINO ACID SEQUENCES
RELATING TO *ENTEROBACTER CLOACAE* FOR
DIAGNOSTICS AND THERAPEUTICS
Atty. Docket: 107196.135

MAY 10 1999

**RESPONSE TO NOTICE
TO FILE MISSING PARTS**

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

In response to the Notice to File Missing Parts dated 10 March 1999, the period for response set to expire 10 May 1999, Applicant submits the following documents:

1. a copy of the Notice to File Missing Parts;
2. an executed Declaration and Power of Attorney; and
3. an executed Small Entity Status form.

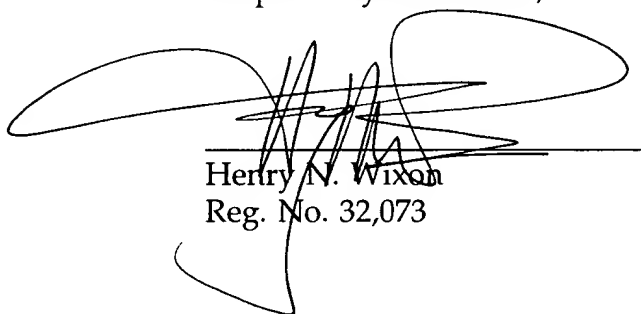
The Commissioner is hereby authorized to deduct \$751.00 from PTO Deposit Account 08-0219. This fee includes \$380.00 for the statutory filing fee, \$65.00 for the surcharge for the late submission of the filing fee, \$234.00 as payment for the additional independent claims fee, and \$72.00 as payment for the additional dependent claims fee. Additionally, the Commissioner is authorized to deduct any

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amount from PTO Deposit Account 08-0219 that is deemed necessary to maintain the pendency of this application.

Should the Patent Office have any questions, the undersigned can be contacted at the below-listed address and telephone number.

Respectfully Submitted,



Henry N. Wixon
Reg. No. 32,073

Date: 10 MAY 1999
Hale and Dorr LLP
1455 Pennsylvania Ave., NW
Washington, DC 20004
(202)942-8459

/Washington/Leonard_Michael/Legal/GTC/135/nfmpresp.wpf

UNITED STATES DEPARTMENT OF COMMERCE
 Patent and Trademark Office
 Address: COMMISSIONER OF PATENTS AND TRADEMARKS
 Washington, D.C. 20231

APPLICATION NUMBER: 09/252,691 FILING DATE: 02/18/99 FIRST NAMED APPLICANT: HENRY N. WIXON ATTORNEY DOCKET NUMBER: 107156-135

HENRY N. WIXON
 HALE AND DORR
 1455 PENNSYLVANIA AVENUE NW
 WASHINGTON DC 20004



(NOT ASSIGNED)

1623

DATE MAILED:

03/10/99

NOTICE TO FILE MISSING PARTS OF APPLICATION Filing Date Granted

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file all required items and pay fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the **SURCHARGE** set forth in 37 CFR 1.16(e) of ☐ \$65.00 for a small entity in compliance with 37 CFR 1.27, or ☐ \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a ☐ small entity (statement filed) ☐ non-small entity is \$ 1502.00.

- ☒ 1. The statutory basic filing fee is:
☐ missing.
☒ insufficient.

Applicant must submit \$ 760.00 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).

- ☒ 2. Additional claim fees of \$ _____, including any multiple dependent claim fees, are required

\$ 144.00 for 6 independent claims over 3. 234

\$ 468.00 for 18 dependent claims over 20. 72

\$ _____ for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

- ☒ 3. The oath or declaration:

- ☒ is missing or unexecuted.
☐ does not cover the newly submitted items.
☐ does not identify the application to which it applies.
☐ does not include the city and state or foreign country of applicant's residence.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

- ☒ 4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

- ☒ 5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date is required.

- ☒ 6. A \$60.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).

- ☒ 7. Your filing receipt was mailed in error because your check was returned without payment.

- ☒ 8. The application does not comply with the Sequence Rules.

See attached "Notice to Comply with Sequence Rules 37 CFR 1.821-1.825."

- ☒ 9. OTHER

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

A copy of this notice MUST be returned with the reply.

Customer Service Center

Patent Examination Division (703) 308-1202

Response Due February 1999

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